

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
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U.S. DISTRICT COURT E.D.N.Y.

★ SEP 29 2017 ★

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VALLEY NATIONAL BANK,

ORDER

LONG ISLAND OFFICE

Plaintiff,

-against-

17 CV 512
(Wexler, J.)

ANTHONY OTTIMO, CLAUDIA OTTIMO,
and USA INT'L SALES CORP.,

Defendants.
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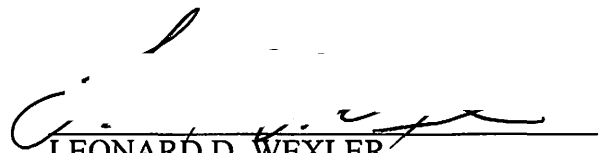
WEXLER, District Judge:

Plaintiff commenced this diversity action seeking, *inter alia*, judgment that defendants fraudulently conveyed title of a property in Florida to avoid a state court judgment and an order reversing that transfer. Plaintiff moved by order to show cause for a preliminary injunction preventing further changes to title, and for an order setting aside the transfer. A hearing was held on July 17, 2017. Defendants did not appear at the hearing, and their default was placed on the record.

There is apparently some confusion regarding the scope of the ruling made at the hearing. The Court has reviewed the transcript of that proceeding and the papers submitted. To clarify, plaintiff was given permission to make a motion for a default judgment for the relief sought in its complaint, which includes reversal of the transfer. It did not grant that portion of plaintiff's motion to "enforce judgment," which would effectively give plaintiff its relief, thus obviating the need to move for a default judgment. The Court further intended to grant that part of the motion seeking injunctive relief during the pendency of the action.

Although it was resolved at the July 17, 2017 hearing, plaintiff's motion [2] remains pending on the docket. The direction for plaintiff to apply for a default denied its motion to "enforce judgment" without prejudice to a determination of the motion for a default, and the motion for preliminary injunction was granted.

SO ORDERED.


LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
September 29, 2017